

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CRISTIANA DILLEY,

Defendant.

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Case No. 8:06CR391

ORDER

This case is before the court on the defendant's Motion for Drug Evaluation and Treatment (#13). The defendant requests the court reopen the issue of detention and allow the defendant to be evaluated for drug treatment and allow the treatment recommendation to be followed.

After reviewing the January 9, 2007 Pretrial Service initial appearance report and the January 9, 2007 Detention Order (#11), I find the motion should be denied without hearing.

The proposed evaluation and treatment of the defendant fails to address the court's concerns based upon the defendant's substantial prior criminal record (including two prior felony drug convictions), the defendant's prior failures to appear, and the defendant's noncompliance with prior court orders. Additionally, the plan presented is not sufficient to overcome the presumption of detention based on the maximum possible sentence of life imprisonment and 18 U.S.C. § 3142 (e).

IT IS ORDERED:

The defendant's Motion for Drug Evaluation and Treatment (#13) is denied without hearing.

Dated this 2ND day of February 2007.

BY THE COURT:

s/ F. A. Gossett
United States Magistrate Judge